

CDJ

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

4400  
CONNOR KELLEY,

*Plaintiff,*

v.

STARBUCKS CORPORATION d/b/a  
STARBUCKS COFFEE COMPANY,

*Defendant.*

CIVIL ACTION NO.:

20

842

JURY TRIAL DEMANDED

**COMPLAINT AND JURY DEMAND**

**FILED**  
FEB 13 2020  
KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

**I. PRELIMINARY STATEMENT:**

1. This is an action for an award of damages, declaratory and injunctive relief, attorneys' fees and other relief on behalf of Plaintiff, Connor Kelley ("Plaintiff"), a former employee of Defendant, Starbucks Corporation d/b/a Starbucks Coffee Company ("Defendant"), who has been harmed by the Defendant's discriminatory employment practices.

2. This action arises under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000(e), et seq., as amended by the Civil Rights Act of 1991, at 42 U.S.C. §1981(a) ("Title VII"), the Americans with Disabilities Act, 42 U.S.C. §12101, et seq. ("ADA"), and the Pennsylvania Human Relations Act, 43 P.S. §951 et seq. ("PHRA").

**II. JURISDICTION AND VENUE:**

3. The jurisdiction of this Court is invoked, and venue is proper in this district, pursuant to 28 U.S.C. §§1331 and 1391 as Plaintiff's claims are substantively based on Title VII and the ADA.

4. The supplemental jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1367 to consider Plaintiff Maldonado-Torres' claims arising under the PHRA.

5. All conditions precedent to the institution of this suit have been fulfilled and Plaintiff has satisfied all jurisdictional prerequisites to the maintenance of this action. On November 18, 2019, a Notice of Right to Sue was issued by the Equal Employment Opportunity Commission and this action has been filed within ninety (90) days of receipt of said notice.

### **III. PARTIES:**

6. Plaintiff, Connor Kelley ("Plaintiff Kelley"), is a male and citizen of the Commonwealth of Pennsylvania, residing therein at 1071 Tyson Avenue, Abington, Pennsylvania 19001.

7. Defendant, Starbucks Corporation d/b/a Starbucks Coffee Company ("Defendant"), is a corporation duly organized and existing under the laws of the State of Washington, maintaining a place of business at 1103 Bethlehem Pike, Spring House, Pennsylvania 19477.

8. At all times relevant hereto, the Defendant was acting through its agents, servants, and employees, who were acting within the scope of their authority, course of their employment, and under the direct control of the Defendant.

9. At all times material herein, the Defendant is and has been a "person" and "employer" as defined under the ADA, Title VII, and the PHRA and is accordingly subject to the provisions of each said act.

**IV. STATEMENT OF CLAIMS:**

10. Plaintiff Kelley, a Transgender male, commenced his employment with The Defendant in or around June of 2016 as a Barista at The Defendant's Conshohocken location. Plaintiff Kelley maintained an excellent job performance rating in said capacity at all times.

11. By way of background, in or around June of 2012, Plaintiff Kelley was diagnosed with chronic depression, anxiety disorder, and panic disorder. Said medical conditions constitute disabilities pursuant to the Americans with Disabilities Act ("ADA") and the Pennsylvania Human Relations Act ("PHRA") in that it substantially impairs one or more of Plaintiff Kelley's major life activities, including, but not limited to, interacting with others, social and occupational functioning, and caring for oneself.

12. By way of further background, on or about May 12, 2016, Plaintiff Kelley was diagnosed with Gender Identity Disorder. Thereafter, Plaintiff Kelley began his transition from female to male via the administration of hormone replacement therapy, thereafter presenting himself as male. Said medical condition constitutes a disability pursuant to the Americans with Disabilities Act ("ADA") and the Pennsylvania Human Relations Act ("PHRA") in that it substantially impairs one or more of Plaintiff Kelley's major life activities, including, but not limited to, interacting with others, reproducing, and social and occupational functioning.

13. Shortly after his hire, in or around July of 2016, Plaintiff Kelley began experiencing panic attacks due to the stresses brought on by his gender transition. Thereafter, Plaintiff Kelley informed Jesse Salvato ("Salvato"), Store Manager, of his

disabilities (Gender Identity Disorder/ Anxiety/ Depression) and requested a reasonable medical leave of absence for his disabilities. Salvato denied Plaintiff Kelley's request for reasonable accommodation and as a result Plaintiff Kelley was constructively terminated from his position of employment.

14. By information and belief, subsequent to Plaintiff Kelley's constructive termination, Salvato informed Benjamin Thompson ("Thompson"), Store Manager, that Plaintiff Kelley had quit because Plaintiff Kelley "wanted to be a dude," evidencing his discriminatory animus towards Plaintiff Kelley based on his sex (Transgender male) and/or disability (Gender Identity Disorder).

15. In or around May of 2017, Plaintiff Kelley began fully identifying and presenting himself as male.

16. Thereafter, on or about October 2, 2017, The Defendant rehired Plaintiff Kelley as a Barista at The Defendant's Spring House location.

17. Importantly, Plaintiff Kelley was interviewed by Salvato, who had transferred to said location a few months prior.

18. Shortly after Plaintiff Kelley was rehired in or around October of 2017, Salvato and Jeremy Smith ("Smith"), Store Manager, commenced a campaign of discrimination against Plaintiff Kelley based on his sex (Transgender male) and/or disabilities (Gender Identity Disorder/Anxiety/Depression).

19. By way of example, in or around October of 2017, Smith approached Alyssa Melasecca ("Melasecca"), Store Manager, and informed her that Plaintiff Kelley's "name could be changed in the system." By way of background, at this time, Plaintiff

Kelley had unofficially changed his name and was known as “Connor Kelley” to his supervisors and fellow employees. However, Plaintiff Kelley’s legal named remained as “Anna Kelley” and was used for The Defendant’s payroll system.

20. By information and belief, Smith became aware of Plaintiff Kelley’s sex (Transgender male) and disability (Gender Identity Disorder) after seeing the name on the checks issued to Plaintiff Kelley. Smith made the abovementioned statement to Melasecca in order to alarm Plaintiff Kelley and cause him great embarrassment. Further, Smith acted with the perception that Plaintiff Kelley failed to conform to preconceived stereotypes of what a “true male” should be.

21. In or around December of 2017, Smith organized a store-wide holiday gift exchange where each employee would receive a gift from a fellow employee. In a case of obvious disparate treatment, Plaintiff Kelley was excluded from the exchange and was the only employee at the location not to receive a gift.

22. In or around January of 2018, Plaintiff Kelley was working The Defendant’s drive-thru window with Smith. After a drive-thru customer had finished their transaction, Smith leered at Plaintiff Kelley and stated over his headset that, “the person in the passenger seat looked they were transitioning from something to something,” mocking Plaintiff Kelley’s recent transition from female to male.

23. Despite Smith and Salvato’s blatant pattern of discrimination directed against Plaintiff Kelley, in or around April of 2018, Plaintiff Kelley was voted “Partner of the Quarter” for his excellent work ethic and his ability to embody The Defendant’s core

values. As “Partner of the Quarter”, recipients receive a certificate to be displayed in the store.

24. Nevertheless, Salvato failed to provide Plaintiff Kelley with the abovementioned recognition. In contrast to other cisgender and/or nondisabled employees that were voted “Partner of the Quarter,” Salvato refused to display Plaintiff Kelley’s certificate.

25. Further, Plaintiff Kelley was only notified that he was voted “Partner of the Quarter” after Sam Haber (“Haber”), Store Manager, informed Plaintiff Kelley of the same and ordered Plaintiff Kelley to keep it a “secret.”

26. During the same period, in or around April of 2018, Plaintiff Kelley overheard Smith discussing the recent departure of Collean O’Brien (“O’Brien”), Partner. Smith was aware that, like Plaintiff Kelley, O’Brien suffered from several disabilities. Shockingly, when referring to O’Brien’s resignation, Smith stated “we bully anyone we don’t like out of the store,” insinuating that The Defendant created a hostile work environment for those with disabilities in an effort to force their resignation.

27. In connection thereto, on or about May 21, 2018, Plaintiff Kelley reported Smith’s discriminatory behavior to Salvato. In response, Salvato assured Plaintiff Kelley that he would not schedule Plaintiff Kelley and Smith to work the same shifts.

28. Notwithstanding Salvato’s assurances, The Defendant continued to schedule Plaintiff Kelley to work with Smith, causing Plaintiff Kelley severe anxiety and depression.

29. Smith's discriminatory behavior continued into June of 2018. By way of example, on or about June 29, 2018, Smith followed Plaintiff Kelley around The Defendant's store, ridiculing Plaintiff Kelley by calling him "buddy" and "pal."

30. Having reached his breaking point with Smith's behavior, Plaintiff Kelley ordered Smith to refrain from further speaking to him and reported Smith to Jenna Ferone ("Ferone"), Store Manager, for discrimination on the same date. As Plaintiff Kelley was informed Ferone of Smith's behavior, Smith followed Plaintiff Kelley into the back office and demanded to know why Plaintiff Kelley did not want to speak with him. Thereafter, Melasecca stepped into the office and ordered Smith to leave. Shortly thereafter, Smith departed from The Defendant's store at the end of his shift.

31. Less than thirty (30) minutes after leaving The Defendant's store, Smith sent a text message to Plaintiff Kelley that read, "you don't have to like me but you're going to respect me," as a threat to Plaintiff Kelley for reporting Smith's discriminatory behavior to Ferone.

32. In response thereto, on or about June 30, 2018, Plaintiff Kelley reported Smith's discriminatory behavior to Caitlin Durkin ("Durkin"), Store Manager, and once again requested that he no longer be scheduled to work with Smith. By way of background, in or around June of 2018, The Defendant terminated Salvato's employment for reasons unrelated to this claim and replaced him with Durkin.

33. Thereafter, on or about July 2, 2018, Smith came into The Defendant's store although he was not scheduled to work. In clear retaliation for reporting Smith's

behavior on or about June 29, 2018, Smith walked behind the counter where Plaintiff Kelley was working, causing Plaintiff Kelley to become increasingly uncomfortable.

34. In response thereto, Plaintiff Kelley suffered a panic attack, despite not having one in over a year. Thereafter, Plaintiff Kelley requested that he be transferred from his shift as a reasonable accommodation. The Defendant approved the same.

35. On or about July 3, 2018, Durkin called Plaintiff Kelley to discuss Plaintiff Kelley's grievances against Smith. During said conversation, Plaintiff Kelley disclosed to Durkin that he was a Transgender male and that he suffered from Gender Identity Disorder, Anxiety and Depression. Initially responsive to Plaintiff Kelley's requests, Durkin reassured Plaintiff Kelley that she would not schedule Smith and Plaintiff Kelley to work at the same time but that she "needed time to figure out the schedule."

36. Notwithstanding Durkin's assurances, The Defendant continued to schedule Smith at the same times as Plaintiff Kelley. Further, Smith began to make unscheduled appearances at The Defendant's store with the anonnet purpose to harass Plaintiff Kelley in retaliation for reporting Smith.

37. By way of example, on or about July 25, 2018, Smith entered into The Defendant's store despite not being scheduled to work on said date. He then proceeded to follow Plaintiff Kelley behind the counter in an attempt to physically intimidate Plaintiff Kelley.

38. During his tenure of employment with The Defendant, Plaintiff Kelley registered several complaints of sex and disability discrimination with The Defendant's



Store Managers. Despite Plaintiff Kelley's protestations, The Defendant failed to conduct an investigation and likewise failed to take steps to cause the discrimination to cease.

39. As a result, on or about August 4, 2018, Plaintiff Kelley registered another complaint of sex and disability discrimination with Donna Lemon ("Lemon"), District Manager. Plaintiff Kelley attached his statement to the complaint, outlining Smith's discrimination in detail. However, The Defendant failed to investigate Plaintiff Kelley's claims and further failed to take any action to remediate Smith's discriminatory and retaliatory conduct.

40. On or about August 19, 2018, Plaintiff Kelley was scheduled to work with Smith. During said shift, Smith again attempted to physically intimidate Plaintiff Kelley. Remarkably, on several occasions, Plaintiff Kelley had to go out of his way to avoid getting shoved by Smith as they crossed paths. Smith's behavior triggered Plaintiff Kelley's anxiety and caused him to suffer another panic attack, requiring him to request that he be permitted to leave for the remainder of his shift. The Defendant approved the same.

41. The following day, on or about August 20, 2018, Plaintiff Kelley suffered a severe panic attack while working at The Defendant's store. Melasecca, observing that Plaintiff Kelley was physically upset and unresponsive, informed Sapp of the same and dismissed Plaintiff Kelley from the rest of his shift.

42. A few hours after Plaintiff Kelley was dismissed, Durkin called Plaintiff Kelley at home and informed him that he should call Human Resources and request medical leave, based on his disabilities (Gender Identity Disorder/ Anxiety/ Depression).

Further, Durkin informed Plaintiff Kelley that she was not allowed to recommend that Plaintiff Kelley take medical leave but that if he did not request medical leave, he would be terminated.

43. Moments after finishing the above conversation with Plaintiff Kelley, Durkin called Plaintiff Kelley again and instead informed him that Human Resources “recommended that you be separated from the company so that you can deal with whatever is happening in your life.” Thereafter, Durkin unlawfully terminated Plaintiff Kelley’s employment with The Defendant.

44. Plaintiff Kelley believes and avers that The Defendant terminated his employment based on his sex (Transgender male) and/or actual and/or perceived disabilities and/or record of impairment (Gender Identity Disorder/ Anxiety/ Depression) and/or in retaliation for opposing discrimination in the workplace and requesting reasonable accommodation.

**COUNT I**  
**(Title VII - Sex Discrimination, Hostile Work Environment)**  
**Plaintiff Kelley v. Defendant**

45. Plaintiff Kelley incorporates by reference paragraphs 1 through 44 as though fully set forth at length herein.

46. The Defendant subjected Plaintiff Kelley to a hostile working environment and sex discrimination based on his gender and gender nonconformity, as detailed above.

47. Plaintiff Kelley considered the aforementioned conduct to be discriminatory, and reported said discriminatory conduct, both verbally and in writing, to numerous management level employees of Defendant.

48. Accordingly, Defendant was fully aware of the hostile work environment. However, despite Plaintiff Kelley's numerous complaints of discrimination, Defendant failed to conduct an investigation or otherwise cause the discriminatory conduct to cease.

49. Rather than cause the discriminatory conduct to cease, Defendant terminated Plaintiff Kelley's employment, so that he could "deal with whatever [was] happening in [his] life." However, Defendant's reason for Plaintiff Kelley's termination is pretextual, and his employment was actually terminated because of his gender and gender nonconformity.

50. Accordingly, Defendant's discriminatory acts have deprived Plaintiff Kelley of equal employment opportunities because of his sex in violation of Title VII.

51. As a direct result of the aforesaid unlawful discriminatory employment practices engaged in by the Defendant in violation of Title VII, Plaintiff Kelley sustained permanent and irreparable harm, resulting in the loss of his employment, which caused him to sustain a loss of earnings, plus the value of certain benefits, plus loss of future earning power, plus back pay, and front pay and interest due thereon.

52. As a further direct result of the aforesaid unlawful discriminatory employment practices engaged in by the Defendant in violation of Title VII, Plaintiff Kelley suffered severe emotional distress, embarrassment, humiliation, and loss of self-esteem.

**COUNT II**  
**(Title VII - Retaliation)**  
**Plaintiff Kelley v. Defendant**

53. Plaintiff Kelley incorporates by reference paragraphs 1 through 52 as though fully set forth at length herein.

54. The actions of Defendant, through its agents, servants, and employees, in subjecting Plaintiff Kelley to retaliation for opposing unlawful discrimination in the workplace, constituted a violation of Title VII.

55. Defendant terminated Plaintiff Kelley's employment in retaliation for registering numerous complaints of discrimination in the workplace.

56. The reason articulated for Plaintiff Kelley's termination is pretextual, and his employment was actually terminated in retaliation for opposing unlawful discrimination in the workplace.

57. As a direct result of the aforesaid unlawful retaliatory practices engaged in by the Defendant in violation of Title VII, Plaintiff Kelley sustained permanent and irreparable harm, resulting in the loss of his employment, which caused him to sustain a loss of earnings, plus the value of certain benefits, plus loss of future earning power, plus back pay, and front pay and interest due thereon.

58. As a further direct result of the aforesaid unlawful retaliatory employment practices engaged in by the Defendant in violation of Title VII, Plaintiff Kelley suffered severe emotional distress, embarrassment, humiliation, and loss of self-esteem.

**COUNT III**  
**(ADA – Disability Discrimination, Failure to Accommodate)**  
**Plaintiff Kelley v. Defendant**

59. Plaintiff Kelley incorporates by reference paragraphs 1 through 58 of his Complaint as though fully set forth herein.

60. The actions of the Defendant, through its agents, servants and employees, in discriminating against Plaintiff Kelley on the basis of his actual and/or perceived disabilities and/or record of impairment, and failing to provide reasonable accommodation for his disability, constituted violations of the ADA.

61. As a direct result of the aforesaid unlawful discriminatory employment practices engaged in by the Defendant in violation of the ADA, Plaintiff Kelley sustained permanent and irreparable harm, resulting in his termination from employment, which caused him to sustain a loss of earnings, plus the value of certain benefits, plus loss of future earning power, plus back pay, and front pay and interest due thereon.

62. As a further direct result of the aforesaid unlawful discriminatory employment practices engaged in by the Defendant in violation of the ADA, Plaintiff Kelley suffered severe emotional distress, embarrassment, humiliation, and loss of self-esteem.

**COUNT IV**  
**(ADA - Retaliation)**  
**Plaintiff Kelley v. the Defendant**

63. Plaintiff incorporates by reference paragraphs 1 through 62 of his Complaint as though fully set forth herein.

64. The actions of the Defendant, through its agents, servants and employees, in retaliating against Plaintiff Kelley for requesting a reasonable accommodation, and for opposing unlawful disability discrimination in the workplace, constituted a violation of the ADA.

65. As a direct result of the aforesaid unlawful retaliatory employment practices engaged in by the Defendant in violation of the ADA, Plaintiff Kelley sustained permanent and irreparable harm resulting in the termination of his employment, which caused him to sustain a loss of earnings, plus the value of certain benefits, plus loss of future earning power, plus back pay, front pay, and interest due thereon.

66. As a further direct result of the aforesaid unlawful retaliatory employment practices engaged in by the Defendant in violation of the ADA, Plaintiff Kelley suffered severe emotional distress, embarrassment, humiliation, and loss of self-esteem.

**COUNT V**  
**(PHRA – Sex Discrimination, Hostile Work Environment, Disability Discrimination,**  
**Failure to Accommodate)**  
**Plaintiff Kelley v. Defendant**

67. Plaintiff Kelley incorporates by reference paragraphs 1 through 66 of his Complaint as though fully set forth herein.

68. The actions of the Defendant, through its agents, servants and employees, in discriminating against Plaintiff Kelley on the basis of his sex, his actual and/or perceived disabilities and/or record of impairment, for subjecting him to a hostile work environment, and failing to provide reasonable accommodation for his disability, constituted violations of the PHRA.

69. As a direct result of the aforesaid unlawful discriminatory employment practices engaged in by the Defendant in violation of the PHRA, Plaintiff Kelley sustained permanent and irreparable harm, resulting in his termination from employment, which caused him to sustain a loss of earnings, plus the value of certain benefits, plus loss of future earning power, plus back pay, and front pay and interest due thereon.

70. As a further direct result of the aforesaid unlawful discriminatory employment practices engaged in by the Defendant in violation of the PHRA, Plaintiff Kelley suffered severe emotional distress, embarrassment, humiliation, and loss of self-esteem.

**COUNT VI**  
**(PHRA - Retaliation)**  
**Plaintiff Kelley v. the Defendant**

71. Plaintiff incorporates by reference paragraphs 1 through 70 of his Complaint as though fully set forth herein.

72. The actions of the Defendant, through its agents, servants and employees, in retaliating against Plaintiff Kelley for requesting a reasonable accommodation, and for opposing unlawful discrimination in the workplace, constituted a violation of the PHRA.

73. As a direct result of the aforesaid unlawful retaliatory employment practices engaged in by the Defendant in violation of the PHRA, Plaintiff Kelley sustained permanent and irreparable harm resulting in the termination of his employment, which caused him to sustain a loss of earnings, plus the value of certain benefits, plus loss of future earning power, plus back pay, front pay, and interest due thereon.

74. As a further direct result of the aforesaid unlawful retaliatory employment practices engaged in by the Defendant in violation of the PHRA, Plaintiff Kelley suffered severe emotional distress, embarrassment, humiliation, and loss of self-esteem.

**PRAYER FOR RELIEF**

75. Plaintiff Kelley incorporates by reference paragraphs 1 through 74 of his Complaint as though fully set forth at length herein.

**WHEREFORE**, Plaintiff Kelley requests that this Court enter judgment in his favor and against the Defendant, and order that:

a. Defendant compensate Plaintiff Kelley with a rate of pay and other benefits and emoluments of employment to which he would have been entitled had he not been subjected to unlawful discrimination.

b. Defendant compensate Plaintiff Kelley with an award of front pay, if appropriate;

c. Defendant pay to Plaintiff Kelley punitive damages, compensatory damages for future pecuniary losses, pain, suffering, inconvenience, mental anguish, loss of enjoyment of life and other nonpecuniary losses as allowable;

d. Defendant pay to Plaintiff Kelley, pre and post judgment interest, costs of suit and attorney and expert witness fees as allowed by law;

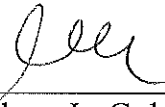
e. The Court award such other relief as is deemed just and proper.



**JURY DEMAND**

Plaintiff demands trial by jury.

SIDNEY L. GOLD & ASSOC., P.C.

By:   
/s/ Sidney L. Gold, Esquire SG1387  
SIDNEY L. GOLD, ESQUIRE  
I.D. No.: 21374  
1835 Market Street, Suite 515  
Philadelphia, PA 19103  
**Attorney for Plaintiff**

DATE: February 13, 2020

VERIFICATION

I hereby verify that the statements contained in this **Complaint** are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of Title 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

DATE: 2/11/20

Connor Kelley  
CONNOR KELLEY, PLAINTIFF

JS 44 (Rev. 06/17)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

CONNOR KELLEY

(b) County of Residence of First Listed Plaintiff MONTGOMERY  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Sidney L. Gold, Esquire

Sidney L. Gold &amp; Assoc., P.C.

1835 Market St., Suite 515 Phila., PA 19103 215-569-1999

## DEFENDANTS

STARBUCKS CORPORATION  
D/B/A STARBUCKS COFFEE COMPANY

County of Residence of First Listed Defendant MONTGOMERY  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                            |   |                            |                                       |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
|   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

TITLE VII, ADA, PHRA

Brief description of cause:

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

150,000.00

in excess

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

FEB 13 2020

DATE

02/13/2020

SIGNATURE OF ATTORNEY OF RECORD

/S/ SIDNEY L. GOLD, ESQUIRE

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

20

842

## DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 1071 Tyson Avenue, Abington, PA 19001

Address of Defendant: 1103 Bethlehem Pike, Spring House, PA 19477

Place of Accident, Incident or Transaction: 1103 Bethlehem Pike, Spring House, PA 19477

## RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 02/13/2020/s/ Sidney L. Gold, Esq.21374

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

## CIVIL: (Place a ✓ in one category only)

## A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases

(Please specify): \_\_\_\_\_

## B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): \_\_\_\_\_

## ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, SIDNEY L. GOLD, ESQUIRE, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☒ Relief other than monetary damages is sought.

DATE: 02/13/2020/s/ Sidney L. Gold, Esq.

FEB 13 2020

21374

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

CONNOR KELLEY

CIVIL ACTION

v.

STARBUCKS CORPORATION D/B/A  
STARBUCKS COFFEE COMPANY

NO. **20** **842**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

02/13/2020

Date

/s/ Sidney L. Gold, Esq.

Attorney-at-law

PLAINTIFF

Attorney for

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FAX Number

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E-Mail Address

(Civ. 660) 10/02

FEB 13 2020